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c 273 Ministry of Community and Social Services Act

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CHAPTER 273

Ministry of Community and Social Services Act

1. In this Act,

Interpre-
tation

- (a) "Board of Review" means the Social Assistance Review Board referred to in section 11;
- (b) "Minister" means the Minister of Community and Social Services;
- (c) "Ministry" means the Ministry of Community and Social Services;
- (d) "regulations" means the regulations made under this Act. 1972, c. 1, s. 19 (2), *part*; 1974, c. 95, s. 1.

2.—(1) The Ministry of Community and Social Services is continued. Ministry continued

(2) The Minister shall preside over and have charge of the Ministry. 1972, c. 1, s. 19 (2), *part, revised*. Minister to have charge

3.—(1) The Minister is responsible for the administration of this Act and the regulations thereunder and the Acts and regulations made thereunder that are assigned or transferred to him by the Legislature or by the Lieutenant Governor in Council. R.S.O. 1970, c. 120, s. 3 (1). Responsibility of Minister

(2) The Minister, with the approval of the Lieutenant Governor in Council, may, on behalf of the Government of Ontario, make agreements with the Crown in right of Canada respecting, Agreements

- (a) any matter for the administration of which the Minister is responsible; and
- (b) the payment by Canada to Ontario of any portion of any expenditures made before or after this Act comes into force by Ontario or by any municipality under any Act of Ontario. 1973, c. 41, s. 1.

4.—(1) A Deputy Minister of Community and Social Services may be appointed by the Lieutenant Governor in Council. Deputy Minister

Staff

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(2) Such officers, clerks and servants as the Minister considers necessary for the proper conduct of the business of the Ministry may be appointed under the *Public Service Act*. 1972, c. 56, s. 1.

Protection
from
personal
liability

(3) No action or other proceeding for damages shall be instituted against the Deputy Minister or any other officer or employee of the Ministry or anyone acting under his authority for any act done in good faith in the execution or intended execution of his duty or for any alleged neglect or default in good faith of his duty.

Liability
of Crown
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(4) Subsection (3) does not, by reason of subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*, relieve the Crown of liability in respect of a tort committed by a person mentioned in subsection (3) to which it would otherwise be subject and the Crown is liable under that Act for any such tort in a like manner as if subsection (3) had not been enacted. 1974, c. 95, s. 2.

Delegation
by Minister

5. Where, under this or any other Act, a power is conferred or a duty is imposed upon the Minister or upon another officer or an employee of the Ministry, such power or duty may be exercised and discharged by any other person or class of persons whom the Minister appoints in writing, subject to such limitations, restrictions, conditions and requirements as the Minister may set out in his appointment. 1974, c. 95, s. 3.

Duties of
Minister

6. The Minister may,

- (a) institute inquiries into and collect information and statistics relating to or affecting any matter for the provision or promotion of community and social services;
- (b) disseminate from time to time information, in such manner and form as he considers suitable, for the promotion of community and social services;
- (c) secure the observance and execution of all Acts and regulations for the administration of which he is responsible; and
- (d) direct any officer of the Ministry or any other person to investigate and inquire into and report to him upon any activity, matter, agency, organization, association or institution having for any of its objects or relating to or affecting the social welfare of persons in Ontario and that is not under the jurisdiction of any other ministry of the public service of Ontario. R.S.O. 1970, c. 120, s. 6; 1972, c. 1, ss. 1, 2, 19 (4).

7. The Lieutenant Governor in Council or the Minister may, out of moneys appropriated therefor by the Legislature, direct payment from time to time of grants and contributions for consultation, research and evaluation services with respect to programs of social services, community services and social planning and for the provision, encouragement and development of credit counselling services and other social or community services. 1972, c. 56, s. 2; 1972, c. 149, s. 1; 1975, c. 26, s. 1.

Grants re
social and
credit
counselling
services,
etc.

8. The Minister may enter into agreements with organizations, municipalities or other persons or corporations respecting the provision of social services and community services including items, facilities and personnel relating thereto upon such terms and conditions as may be agreed and he may direct out of moneys appropriated by the Legislature the payment of such expenditures as are necessary for such purposes. 1972, c. 149, s. 2, *part*; 1974, c. 95, s. 5.

Agreements
for the
provision
of services

9.—(1) Where any institution or organization is operated or managed for charitable objects or purposes and where,

Regulations
governing
occupation
and
operation of
institutions

- (a) the persons operating and managing the institution so request; or
- (b) the institution or organization procures funds for its operation from the public and the Lieutenant Governor in Council considers it necessary to ensure proper application of such funds; or
- (c) any approval, licence or registration for the operation of the institution or organization required by any Act administered by the Minister, has been refused or revoked; or
- (d) the Lieutenant Governor in Council considers it necessary in the best interests of those residing in or relying on the services of such institution or organization and for their immediate protection,

the Lieutenant Governor in Council may make regulations,

- (e) designating such institution or organization to be subject to the control of the Minister;
- (f) governing the operation and activities of any institution or organization designated under clause (e) and the procuring of funds from the public and the application thereof by such institution or organization;
- (g) authorizing the Minister to operate and manage any such institution or organization designated under

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clause (e) and for that purpose, notwithstanding sections 25 and 41 of the *Expropriations Act*, authorizing the Minister to immediately occupy and operate, or arrange for the occupation and operation by a person or organization designated by him, any premises occupied or used by such institution or organization, but the rights of the owner under that Act, except the right to possession, shall not be affected thereby.

Warrant for
entry and
occupation

(2) Where the Minister has been authorized under this section to occupy any premises, if the persons in occupation refuse to permit the Minister or persons authorized by him for that purpose to enter upon and occupy the premises or resist such entry, the Minister may apply *ex parte* to a judge of the county or district court of the county or district in which the premises are situate for a warrant directing the sheriff to put the Minister or persons authorized by him in occupation of the premises and the judge, upon being satisfied that the Minister is so authorized to occupy the premises and of such refusal or resistance, may issue such warrant and the sheriff shall forthwith execute the warrant and make a return to the judge of the execution thereof.

Period of
occupation

(3) Except with the consent of the person operating and managing an institution, the Minister shall not occupy and operate or arrange for the occupation and operation of the premises of an institution under subsection (1) for a period longer than a year, but the Lieutenant Governor in Council may from time to time extend such period. 1971, c. 50, s. 30.

Establish-
ment of
charitable
institutions
by Minister

10. The Minister, with the approval of the Lieutenant Governor in Council, may establish, with real and personal property acquired by Her Majesty by way of gift or donation, any institution that may be operated or managed for charitable objects or purposes under any Act administered by the Minister, and the Minister may by way of lease or agreement provide for the management and operation on a non-profit basis of the institution by any person or organization with authority therefor under such Act subject to the provisions of such Act and the regulations thereunder and upon such terms and conditions as may be agreed upon. 1972, c. 149, s. 2, *part.*

Board of
Review

11.—(1) The Social Assistance Review Board is continued and shall conduct such hearings and perform such duties as are assigned to it by or under this or any other Act.

Members of
Board

(2) The Board of Review shall be composed of not more than such number of members as is prescribed by the regulations who shall be appointed by the Lieutenant Governor in Council.

(3) One of the members of the Board of Review shall be appointed by the Lieutenant Governor in Council to be chairman of the Board of Review and one or more other of the members of the Board may be appointed by the Lieutenant Governor in Council to be vice-chairmen of the Board.

Chairman
and vice-
chairmen

(4) The members of the Board of Review shall be paid such remuneration and expenses as the Lieutenant Governor in Council from time to time determines.

Remunera-
tion

(5) Each member of the Board of Review shall hold office for three years.

Term of
office

(6) The chairman of the Board of Review may authorize one or more members of the Board to conduct a hearing and such member or members has or have all the powers of the Board for the purpose of such hearing and any decision of such member or members shall be a decision of the Board.

One or more
members may
conduct
hearing

(7) Such officers, clerks and servants as are from time to time considered necessary by the Lieutenant Governor in Council for the proper conduct of the business of the Board of Review may be appointed under the *Public Service Act*.

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(8) Sittings of the Board of Review may be held at such places in Ontario and at such times as the Board considers most convenient for the proper discharge and speedy dispatch of its business.

Sittings

(9) Where,

Vice-
chairman

(a) the chairman of the Board of Review is absent or is unable to act, a vice-chairman designated by the chairman; or

(b) the office of the chairman of the Board of Review is vacant, a vice-chairman designated by the Minister,

has and shall exercise the jurisdiction and power of the chairman including the power to complete any unfinished matter. 1975, c. 95, s. 6, *part*.

12.—(1) Notwithstanding the *Statutory Powers Procedure Act*, all hearings of the Board of Review shall be heard in private.

Hearings
in private
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(2) Subject to subsection (3), members of the Board of Review holding a hearing,

Members
holding
hearing
not to have
taken part
in prior
considera-
tion of
matter

- (a) shall not have taken part in any investigation or consideration of the subject-matter of the hearing prior to the hearing; and
- (b) shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or his representative except upon notice to and opportunity for all parties to participate.

Legal advice

(3) The Board of Review may seek legal advice from an adviser independent from the parties, and members of the Board may at any time consult with other members of the Board.

Recording of evidence

(4) The oral evidence taken before the Board of Review at a hearing shall be recorded,

- (a) by notes taken by or under the supervision of the member or members of the Board conducting the hearing; or
- (b) in such other manner as such member or members may direct, in which case copies or a transcript shall, on request, be furnished upon the same terms as in the Supreme Court.

Findings of fact

(5) The findings of fact of the Board of Review pursuant to a hearing under this section shall be based exclusively on evidence admissible and facts of which notice may be taken under sections 15 and 16 of the *Statutory Powers Procedure Act*.

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Only members at hearing to participate in decision

(6) No member of the Board of Review shall make any decision of the Board following upon a hearing under this section unless he was present throughout the hearing and heard the evidence and argument of the parties and, except with the consent of the parties, no decision of the Board shall be given unless all members so present take part in the decision.

Financial hardship

(7) Where a request for a hearing has been made and the Board of Review is satisfied that there may be financial hardship to a party or witness attending the hearing, the Board shall pay the party or witness travelling and living expenses necessary to enable his attendance at the hearing of the Board. 1974, c. 95, s. 6, *part*.

Regulations

13. The Lieutenant Governor in Council may make regulations designating the number of members of the Board of Review and prescribing its procedures. 1974, c. 95, s. 6, *part*.